IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 3930 of 2005

Between:

Mr.D.Shekar, S/o.Kishan, age: 32 years,
Employee, R/o.1-11-50,

Phulong Street, Nizamabad.

..... PETITIONER

AND

1 The Chairman & Managing Director, A.P.Transmission Corporation Ltd.,

Khairatabad, Hyderabad.
2 A.P.Northern Power Distribution Company Limited, represented by its

Chairman & Managing Director, Warangal.
3 Chief General Manager, A.P. Northern Power Distribution Company

Limited Corporate office Warangal.
4 Superintending Engineer, Operation Circle, APNPDCL/Nizamabad.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction, writ more particularly one in the nature of "writ of certiorari" and after calling for records in pursuant to speaking orders in Lr.No.CGM(HRD)/GM(S)/AS-II/PO.IV/486/04, dated 31-12-2004 of the third respondent and quash the same and consequently direct the respondents to appoint the petitioner as LDC forthwith and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.RAVINDRANATH

Counsel for the Respondents: MR.SAMINENI KISHORE

S.C. for A.P.Transco

The Court made the following

ORDER:

This writ petition is filed by the petitioner aggrieved by the proceedings of the 3rd respondent dated 31-12-2004 under which the claim of the petitioner for consideration of his appointment in terms of B.P.Ms.No.36 was rejected by referring certain observations of this court in W.P.No.5064/99, in spite of the fact that there are specific directions given by this court in the case of the petitioner and also other similarly placed persons while disposing of the writ petition No.5158/2003 and batch dated 28-10-2004.

The grievance of the petitioner is that the 3rd respondent did not apply his mind and mechanically referred to the observations made in some other writ petitions even though those observations are not applicable to the present petition as the directions given in the present petitioner's case is totally different.

The learned counsel for the respondents however sought to sustain the said observation by referring to the order passed by this court in Writ Petition No.5064/99 and batch dated
18-11-1999. But, however, the learned counsel fairly conceded that the said

observations are not applicable to the facts of the present case, in view of the specific directions granted by this court, while disposing of the batch of the writ petitions where the petitioner is one of the parties. The petitioner claims that he had worked as a contract labourer under one of the contractors at the relevant point of time and sought for absorption under the scheme formulated under B.P.Ms.No.36. The petitioner also produced Service Certificate, which was counter signed by the officials of the department. As the said claim of the petitioner was not considered, the petitioner approached this court by filing W.P.No.5158/2003 which was disposed of along with the batch of writ petitions by an order dated 28-10-2004. This court while disposing of the said batch of writ petitions, made the following observations.

> "Accordingly, the writ petitions are allowed directing the respondents to consider the cases of the petitioners in the light of the aforesaid observations for their absorption pursuant to the orders in B.P.Ms.No.36, dated 18-5-1997. If any of the petitioners are not found eligible or qualified, communicate the reasons individually to the petitioners within Eight Weeks from the date of receipt of a copy of this order. There shall be no order as to costs."

After the disposal of the writ petition, the 3rd respondent instead of considering the case of the petitioner on merits in the light of the directions of this Court erroneously rejected observing that the case of the petitioner need not be considered. In fact, the said observation recorded out of contest from another judgment of this court, would even amounts to violation of the directions given by court and action could be initiated against the 3rd respondent. In any case, as the impugned order passed by the third respondent was not in accordance with the directions and in conformity with the judgment of this court passed in the petitioner's case, the impugned order is set aside and the third respondent is directed to apply his mind to the directions and observations made by this court in writ petition No.5158/2003, dated 28-10-2004 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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K.C. BHANU, J

Date: 12th July, 2005

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ASSISTANT REGISTRAR

To

1 The Chairman & Managing Director, A.P.Transmission Corporation Ltd.,

Khairatabad, Hyderabad.
2 The Chairman & Managing Director,

A.P.Northern Power Distribution Company Limited, Warangal.
3 The Chief General Manager, A.P. Northern Power Distribution Company

Limited Corporate office Warangal.
4 The Superintending Engineer, Operation Circle, APNPDCL / Nizamabad.

5 Two CD copies

6. One CC to MR.RAVINDRANATH, learned counsel for the petitioner.